

ESTTA Tracking number: **ESTTA178441**Filing date: **12/04/2007**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**Notice of Opposition**

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Information

Name	Tiffany (NJ) Inc.
Granted to Date of previous extension	01/02/2008
Address	15 Sylvan Way Parsippany, NJ 07054 UNITED STATES
Attorney information	Barbara A. Solomon Fross Zelnick Lehrman & Zissu 866 United Nations Plaza New York, NY 10017 UNITED STATES bsolomon@frosszelnick.com, egourvitz@frosszelnick.com Phone: 212-813-5900

Applicant Information

Application No	78912427	Publication date	09/04/2007
Opposition Filing Date	12/04/2007	Opposition Period Ends	01/02/2008
Applicant	Koury, Tiffany C. Suite 1A 380 East 10th Street New York, NY 10009 UNITED STATES		

Goods/Services Affected by Opposition

Class 025. First Use: 2005/06/15 First Use In Commerce: 2005/10/01
All goods and services in the class are opposed, namely: Clothing, namely, dresses, ponchos, bathing suits, bikinis, swimwear, lingerie, underwear, and belts

Grounds for Opposition

Torres v. Cantine Torresella S.r.l. Fraud 808 F.2d 46, 1 USPQ2d 1483 (Fed. Cir. 1986)

Attachments Notice of Opposition (F0144758).PDF (6 pages)(134603 bytes)

Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/Barbara A. Solomon/
Name	Barbara A. Solomon
Date	12/04/2007

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the Matter of Application Serial No. 78/912,427
Published in the *Official Gazette* on September 4, 2007

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TIFFANY (NJ) INC.,	:	
	:	Opposition No.
Opposer,	:	
	:	
- v. -	:	NOTICE OF OPPOSITION
	:	
TIFFANY C. KOURY,	:	
	:	
Applicant.	:	
-----X		

Commissioner for Trademarks
P.O. Box 1451
Alexandria, VA 22313-1451

BOX TTAB - FEE

Tiffany (NJ) Inc., a corporation duly organized and existing under the laws of the state of New Jersey with a principal place of business at 15 Sylvan Way, Parsippany, New Jersey 07054, believes that it will be damaged by the issuance of a registration for the mark TIFFANY KOURY applied for in use based Application Serial No. 78/912,427, filed June 20, 2006 for “clothing, namely, dresses, ponchos, bathing suits, bikinis, swimwear, lingerie, underwear and belts” in International Class 25 and hereby opposes the same. As grounds for the opposition, Tiffany (NJ) Inc., by its attorneys Fross Zelnick Lehrman & Zissu, P.C., alleges as follows:

1. The TIFFANY mark has been used in the U.S. by Tiffany (NJ) Inc. and its predecessors (collectively, “Tiffany” or “Opposer”) for more than 150 years. Today, Opposer is one of the most famous companies in the world, and the TIFFANY brand is recognized worldwide as designating goods and services exclusively from Opposer.

2. Many courts and tribunals worldwide have held that TIFFANY is a famous trademark.

Similarly, the U.S. Senate has deemed TIFFANY to be an extraordinarily famous mark. This fame is attributable to the more than 150 years of use of the TIFFANY mark, the extensive sales of TIFFANY-branded products, extensive advertising and promotional efforts featuring the TIFFANY mark, and the extensive reference to TIFFANY in the media and popular culture, from the classic 1961 Audrey Hepburn film “Breakfast at Tiffany’s” to the 2002 film “Sweet Home Alabama” and beyond.

3. Opposer offers a wide variety of goods under its TIFFANY mark including accessories used with clothing such as belts, belt buckles, scarves, pins, brooches and the like.

4. Tiffany sells its products and offers its services under the TIFFANY mark in more than 50 retail stores in the U.S., through direct marketing channels (including catalogs), and on its website, located at <tiffany.com> which has been in active use since as early as 1997.

5. All products sold by Tiffany are sold and packaged in boxes or bags that prominently bear the TIFFANY trademark. The TIFFANY trademark also is prominently displayed and used on Tiffany’s website, on its catalogs (millions of which are distributed each year), in national advertising in all media, and in its stores.

6. Tiffany is the owner of more than 60 U.S. federal trademark registrations for the mark TIFFANY and its variant TIFFANY & CO. (hereinafter collectively referred to as the “TIFFANY mark”) covering a wide variety of goods and services. Opposer’s registrations date back to 1920.

7. Opposer’s registrations for the TIFFANY and TIFFANY & CO. marks are valid, subsisting and in full force and effect, and serve as evidence of Opposer’s exclusive right to use the mark in commerce on or in connection with the goods and services identified in the registrations, as provided by Section 33(b) of the Lanham Act, 15 U.S.C. § 1115(b).

8. Tiffany demands excellence in the design of its goods, in the quality of its materials and

workmanship, and in the services it provides. As a result, the TIFFANY trademark has become a hallmark of quality. For over 150 years, Tiffany has received high profile commissions (such as the engraving found on the U.S. one-dollar bill), has been appointed by royalty, has won International competitions and has been named as one of the world's top 100 global brands, all of which are a testament to the quality and prestige of Opposer's products.

9. By virtue of Opposer's extensive sales, advertising and promotion of its goods and services under its marks, the TIFFANY mark has become instantly recognizable to the public as exclusively denoting Opposer, its goods and services. In addition, the TIFFANY mark has come to symbolize the high quality of Opposer's products and represents Opposer's reputation for exceptional goods and services. As a result of Opposer's substantial effort and investment on behalf of its brand, the goodwill inherent in the TIFFANY mark is an enormously valuable asset of Opposer.

10. In addition to using TIFFANY as a trademark for more than 150 years, Opposer has used TIFFANY exclusively as its trade name since the company's creation in 1837. As a result of such use, the TIFFANY name is associated exclusively with Opposer and connotes Opposer as a centuries-old institution.

11. On information and belief, Applicant is an individual residing at or otherwise doing business at 380 East 10th Street, Suite 1-A, New York, New York 10009.

12. On June 20, 2006, Applicant filed use-based Application Serial No. 78/912,427 to register the mark TIFFANY KOURY for clothing, namely, dresses, ponchos, bathing suits, bikinis, swimwear, lingerie, underwear and belts, claiming use of the mark on all of the identified goods since June 15, 2005 and use in interstate commerce since October 1, 2005.

13. In connection with Application Serial No. 78/912,427, Applicant swore under oath,

inter alia, that she had been using the TIFFANY KOURY mark in commerce in connection with each of the identified goods as of June 15, 2005.

14. Upon information and belief, Applicant in fact had not used the TIFFANY KOURY mark in commerce in connection with each of the goods identified in the Application as of the dates alleged in the application.

15. Upon information and belief, Applicant's statement in connection with Application Serial No. 78/912,427 that she had been using the TIFFANY KOURY mark in connection with each of the goods identified therein as of the date alleged in the application was therefore false and known to be so when made.

16. Upon information and belief, Applicant knowingly, willfully and in bad faith made false and fraudulent statements in connection with Application Serial No. 78/912,427 in an attempt to deceive the PTO and in order to obtain a registration.

17. Applicant's allegation of use in connection with all of the items identified in her Application was falsely made and was made for the purpose of inducing the Patent and Trademark Office to register the mark.

18. Applicant's conduct constitutes fraud on the Patent and Trademark Office.

19. As a result of Applicant's false statement, Applicant's mark has been passed to publication and may issue to registration.

20. If Application Serial No. 78/912,427 matures to registration, Opposer would be damaged since it would allow Applicant to claim exclusive rights to the TIFFANY KOURY mark. Such claim of exclusive rights is inconsistent with Opposer's prior rights in the TIFFANY and TIFFANY CO. trademarks.

21. By reason of the foregoing, Opposer is likely to be harmed by registration of

Application Serial No. 78/912,427 for the mark TIFFANY KOURY.

WHEREFORE, it is respectfully requested that this opposition be sustained and that the registration sought by Applicant in Application Serial No. 78/912,427 be denied.

The Trademark Trial and Appeal Board is hereby authorized to charge the opposition filing fee of \$300 to Opposer's counsel's Deposit Account No. 23-0825-0576900.

Dated: New York, New York
December 4, 2007

FROSS ZELNICK LEHRMAN
& ZISSU, P.C.

By:

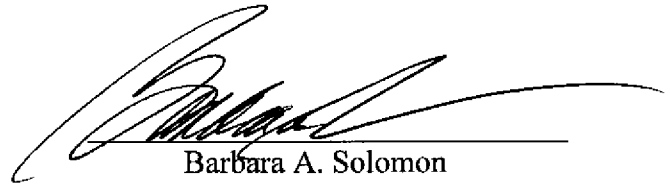


Barbara A. Solomon
Attorneys for Opposer
866 United Nations Plaza
New York, New York 10017
(212) 813-5900

CERTIFICATE OF SERVICE

I hereby certify that I have caused a copy of the foregoing NOTICE OF OPPOSITION to be sent by prepaid first class mail on this 4th day of December 2007 to Applicant's correspondent of record:

Tiffany C. Koury
c/o Construction IT Group
1005 North Church Street
Charlotte, NC 28606



Barbara A. Solomon